

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4396-06  
Bill No.: Truly Agreed To and Finally Passed CCS for HCS for SB 795  
Subject: Agriculture and Animals  
Type: Original  
Date: June 7, 2010

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Bill Summary: This proposal is the omnibus animals and agriculture bill.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
General Revenue	(\$1,294,438 to Unknown)	\$1,405,693 to (Unknown)	\$1,587,516 to (Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$1,294,438 to Unknown)</b>	<b>\$1,405,693 to (Unknown)</b>	<b>\$1,587,516 to (Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
Agriculture Protection	\$2,440,848	(\$11,013)	(\$192,836)
Animal Health	Unknown	Unknown	Unknown
Animal Care Reserve	\$95,000	\$95,000	\$95,000
Various Other	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$2,535,848 to (Unknown)</b>	<b>\$83,987 to (Unknown)</b>	<b>(\$97,836) to (Unknown)</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 17 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	-93	-93	-93
Agriculture Protection	93	93	93
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☒ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of the Attorney General (AGO)** state Section 270.260 of the proposal creates administrative and criminal penalties for knowingly releasing swine to live in a feral state on public or private land. AGO assumes that referrals would be minimal, and that costs could be absorbed with existing resources. If multiple cases result, AGO may seek an additional future appropriation.

Sections 578.600 to 578.624 create the Large Carnivore Act, with criminal penalties. AGO assumes that it would not be handling any such prosecutions. The Act also provides for the revocation of a class C license under certain conditions. AGO assumes that it may handle such referrals, but assumes that the number of cases would be minimal and that costs could be absorbed with existing resources.

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

Officials from the **Department of Economic Development - Tourism, Public Service Commission** or the **Office of Public Counsel**, the **Department of Public Safety - Missouri Highway Patrol**, the **Office of the State Treasurer**, and the **Department of Conservation** each assume the proposal would not have a fiscal impact on their respective agencies.

In response to a previous version of the proposal, officials from the **University of Missouri** assumed the proposal would not have a fiscal impact on their university beyond the time expended by representatives of the University of Missouri serving on various committees.

Officials from the **Department of Public Safety - Division of Fire Safety (DPS-FS)** state they currently administer the Explosives and Blast Safety program, as discussed in the proposal. DPS-FS states this legislation adds individuals using explosives along with a well screen cleaning device to unblock clogged agriculture irrigation well screens to the list of individuals who are exempt from obtaining a blaster's license. This change will not fiscally impact their Division.

Officials from the **Department of Corrections (DOC)** state penalty provisions, the component of the bill to have potential fiscal impact for DOC, is for up to a class D felony. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by

ASSUMPTION (continued)

prosecutors and the actual sentences imposed by the court. If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase of direct offender costs either through incarceration (FY09 average of \$16.04 per offender, per day, or an annual cost of \$5,855 per inmate) or through supervision provided by the Board of Probation and Parole (FY09 average of \$3.71 per offender, per day or an annual cost of \$1,354 per offender).

The following factors contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders.
- The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence.
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Office of the Secretary of State (SOS)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the Secretary of State's Office for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials from the **Department of Public Safety - Alcohol and Tobacco Control (ATC)** state, regarding changes to Section 311.550, that the \$0.30 that is currently collected by ATC as excise taxes on wine and deposited into the General Revenue Fund would now be deposited to the credit of the Agriculture Protection Fund created under Section 261.200 to be used solely for agriculture business development and marketing-related functions of the Department of Agriculture. This would be a negative impact on General Revenue in the amount of \$3.3 million

ASSUMPTION (continued)

and a corresponding positive impact to the new fund.

Section 274.180 specifies that cooperative marketing associations shall not pay any state sales taxes.

Officials from the **Department of Revenue (DOR)** assume this exempts the agricultural cooperatives from sales tax. DOR states there are several large cooperatives in the state that will suddenly become exempt from state sales taxes. DOR states this will reduce revenues.

Officials from the **Department of Natural Resources (DNR)** state their Parks and Soils Sales Tax Funds are derived from one-tenth of one percent sales and use tax. Therefore, any additional sales tax exemption would be an unknown loss to the Parks and Soils Sales Tax Fund.

Officials from the **Office of Administration - Budget and Planning (BAP)** state the Department of Revenue should provide estimates of the bill's amendment to Section 274.180, RSMo, on state sales tax exemptions. BAP also states the Department of Agriculture should provide estimates of the effect of the bill's fee creation and on 18e and total state revenue calculations.

**Oversight** assumes the additions to Section 274.180 could simply be a clarification; however, with DOR's opinion that the additional language will add another sales tax exemption (and a corresponding reduction in sales tax revenue), Oversight will range the fiscal impact to the General Revenue Fund and various other state funds that receive sales tax revenue (School District Trust Fund, Parks and Soils Funds and Conservation Commission Fund) from \$0 to an unknown loss.

Officials from the **Department of Agriculture (AGR)** had the following responses to various parts of the bill:

Sections 196.316, 261.200, 281.260 & 311.550 - AGR assumes increased pesticide registration fee revenues will allow the department to replace most of the General Revenue funding currently required to operate department programs, including pesticide related programs such as Pesticide Control, Plant Pest Control, and Integrated Pest Management. The current GR cost of these programs is \$1,691,603.

ASSUMPTION (continued)

It is anticipated that we would receive 11,000 label registration applications at \$150 each. This would generate \$1,650,000 in revenue, in addition to the late fee increase which is estimated to generate \$5,200 (104 \* \$50). Total estimated revenue equals \$1,655,200 from increases in both the registration and late fees. However, the total estimated revenues would still not cover all GR pest and pesticide related program costs.

On average over the last three calendar years, there were 11,111,130 gallons of wine sold per year in Missouri. This is equivalent to 9,259,275 gallons during FY 2011 (assuming effective dates of August 28, 2010), which will provide \$2,777,782.5 of revenue in FY 2011 (9,259,275 gallons x \$0.30). In response to previous version of the proposal, AGR stated in CY 2009 there was 11,240,883 gallons of wine sold in Missouri. Thirty cents per gallon of wine sold equals \$3,372,265 of revenue in CY 2009. This income level was assumed to remain constant in this analysis. The August 28, 2010 effective date of the legislation combined with the normal delays associated with collections and deposits to the fund mean that \$482,853 in General Revenue will be needed to operate the Ag. Business Development Division for the first three months of FY 2011.

On average over the last three fiscal years (excluding fees collected in the Plant Industries Division) the Department of Agriculture collected and deposited \$475,313 per year into General Revenue. This is equivalent to \$396,094 in FY 2011 fees, assuming an August 28, 2010 effective date.

The following is a summary of the effects in FY 2011 on the Ag Protection and General Revenue due to each of these elements:

	<u>Ag Protection Fund</u>	<u>General Revenue</u>	<u>Net Change</u>
New Pesticide Revenues =	\$1,655,200	(\$165,520)	\$1,489,680
Other Plant Ind. GR fees =	\$1,043,087	(\$1,043,087)	\$0
Wine revenues @ \$.30/gal =	\$2,777,782	(\$2,777,782)	\$0
Other GR program fees =	\$ 396,094	(\$ 396,094)	\$0
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Total Revenues			
Ag Protection Fund =	\$5,872,163	(\$4,382,483)	\$1,489,680

ASSUMPTION (continued)

Sections 270.260 - 270.400 Feral Swine - AGR assumes this part of the legislation will require the promulgation of rules and regulations for fencing and health standards for Russian and European wild boar and wild-caught swine held alive on private land, create a database to maintain records on permits issued on owners of the animals mentioned in this legislation. The department would be required to work with local authorities and other state agencies as situations arise involving said animals. This agency feels that the proposed legislation would require additional staff to provide adequate implementation of the proposed legislation and any costs to implementing this legislation would fall under the Animal Health Fund. AGR is authorized to establish a fee structure to offset the actual and necessary costs to enforce these provisions.

To implement the provisions of the proposed legislation, AGR assumes that the following FTE's would be required to begin carrying out the provisions of the proposed legislation:

2.00 Animal Health Officers – responsible for enforcement of state and federal animal health statutes and regulations. Conduct investigations of alleged violations of the proposed legislation. Work with program participants, general public, law enforcement agencies, other state agencies and states concerning program issues as well as illegal activities.

As noted, to carry out the responsibility of this proposed legislation there will be program costs for travel, training, vehicles, office/field supplies and vehicles. These figures would be driven by the number of new positions authorized and the scope of the program's responsibilities.

In summary, for this part of the proposal, AGR assumes a total cost to the Animal Health Fund of \$138,706 in FY 2011, \$163,941 in FY 2012 and \$168,858 in FY 2013. Offsetting license fee of the same amounts would be collected for a net zero impact to the Animal Health Fund from this part of the proposal.

**Oversight** assumes the Department of Agriculture could absorb the cost of these FTE within their current appropriation level. If fees and penalties increase the need for additional personnel, the Department of Agriculture could request funding through the appropriation process.

Sections 273.327 - 273.329 - (Animal Shelters) - Officials from AGR assume this part of the proposal would generate additional funding for the Animal Care reserve Fund by requiring the animal shelters to pay the \$100 license fee plus the per capita fee of \$1 for every animal sold, traded, bartered, brokered, adopted out or given away, up to a maximum of five hundred dollars (\$500).

ASSUMPTION (continued)

Number of estimated additional facilities required to pay the licensing fee by this proposed legislation:  $336 \times \$100 = \$33,600$ .

Number of estimated animals sold, traded, bartered, brokered, adopted out or given away through the additional facilities required to pay the licensing fee by this proposed legislation:  $61,400 \times \$1 = \$61,400$ . Per capita figures reported to the Missouri Department of Agriculture indicate that the shelters would have to pay between \$60,000 and \$65,000 for dogs adopted out under the \$500 cap.

Estimated additional funds to be deposited in the Animal Care Reserve Fund = \$95,000. Since this fee funding will be used to replace a portion of the GR currently used to operate the program, there is no net fiscal impact from this bill.

Sections 578.600 - 578.624 - (Large Carnivore) AGR states this legislation will require their department to promulgate rules and regulations for the possession of "large carnivore", create a database to maintain records on permits issued, identify and register a list of available qualified veterinarians who have applied for and been approved to be included in the registry, inspection on the facilities as well as follow up on an unknown number of inquiries concerning activity involving these animals throughout the state. The department would be required to work with local authorities, humane societies, other state agencies and other states as situations arise involving said animals. This agency feels that the proposed legislation would require additional staff to provide adequate implementation of the proposed legislation and any costs to implementing this legislation would fall under General Revenue because the amount of funds from the permits issued is unknown.

The department of agriculture does not currently deal with wildlife or wild animals as described in 578.565. The department of agriculture personnel does not have law enforcement authority as do the department of conservation and local peace officers.

To implement the provisions of the proposed legislation, AGR assumes that the following FTEs would be required to begin carrying out the provisions of the proposed legislation:

1.00 Veterinarian/Program Coordinator - responsible for development, coordination and implementation of the proposed legislation. Develop and implement program guidelines and operating procedures, review applications, and determine eligibility for permits, interpreting and explaining state/federal statutes and regulations, respond to inquiries from program participants,



ASSUMPTION (continued)

general public, humane societies, law enforcement agencies, other state agencies and other states.

This position would be required to travel to meet with local and county authorities concerning provisions of this proposed legislation.

1.00 Office Support Assistant - serve as support to the program coordinator. Assist with the development of program forms, database, issuance of permit and annual renewal process and procedures. Direct program participants and general public to proper destinations; received and distribute program information. Schedule and arrange appointments, travel reservations and provide other duties as assigned.

2.00 Animal Health Officers - responsible for the enforcement of state and federal animal health statutes and regulations. Conduct investigations of alleged violations of the proposed legislation. Work with program participants, general public, humane societies, law enforcement agencies, other state agencies and states concerning program issues as well as illegal activities.

As noted on the attached fiscal worksheet to carry out the responsibility of this proposed legislation there will be program costs for travel, training, vehicles, office/field supplies and vehicles. These figures would be driven by the number of new positions authorized and the scope of the program's responsibilities.

In summary, for this part of the proposal, AGR assumes a cost of \$306,316 in FY 2011, \$366,286 in FY 2012 and \$377,273 in FY 2013.

**Oversight** assumes this part of the proposal would be accomplished during the normal budgetary process. Therefore, Oversight assumes the initial administrative impact of this part of the proposal is \$0.

Officials from the **Office of Prosecution Services** and the **Office of the State Public Defender** did not respond to our request for fiscal impact.

**This proposal could impact Total State Revenues.**

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
<b>GENERAL REVENUE</b>			
<u>Savings</u> - AGR - 93 FTE transferred to the Agriculture Protection Fund)			
Salaries (93 FTE)	\$1,838,847	\$3,788,028	\$3,901,666
Fringe Benefits	\$1,103,308	\$2,272,815	\$2,341,000
Expense and Equipment	<u>\$512,219</u>	<u>\$1,024,437</u>	<u>\$1,024,437</u>
<u>Total Savings</u>	\$3,454,374	\$7,085,280	\$7,267,103
<u>Loss</u> - various sections - Program fees to the Department of Agriculture that now go to the Agriculture Protection Fund	(\$1,705,668)	(\$2,046,802)	(\$2,046,802)
<u>Loss</u> - Section 281.260 - Pesticide fees now going to Agriculture Protection Fund	(\$137,933)	(\$165,520)	(\$165,520)
<u>Loss</u> - Section 274.180 - state sales tax exemption for cooperative marketing associations	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Transfer Out</u> - to the Animal Care Reserve Fund (Sections 273.327 & 273.329)	(\$95,000)	(\$95,000)	(\$95,000)
<u>Loss</u> - Alcohol and Tobacco Control \$0.30 excise tax per gallon of wine in Section 311.550 now directed to the Agriculture Protection Fund	(\$2,810,221)	(\$3,372,265)	(\$3,372,265)
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>(\$1,294,438 to Unknown)</u></b>	<b><u>\$1,405,693 to (Unknown)</u></b>	<b><u>\$1,587,516 to (Unknown)</u></b>
Estimated Net FTE change for the General Revenue Fund	(93 FTE)	(93 FTE)	(93 FTE)

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2011 (10 Mo.)	FY 2012	FY 2013
<b>AGRICULTURE PROTECTION FUND</b>			
<u>Income</u> - Section 281.260 - new pesticide fees	\$1,379,333	\$1,655,200	\$1,655,200
<u>Income</u> - Alcohol and Tobacco Control \$0.30 excise tax per gallon of wine in Section 311.550 now directed to the Agriculture Protection Fund (previously General Revenue)	\$2,810,221	\$3,372,265	\$3,372,265
<u>Income</u> - various sections - Program fees to the Department of Agriculture that previously went to General Revenue	\$1,705,668	\$2,046,802	\$2,046,802
<u>Costs</u> - AGR			
Salaries (93 FTE from GR)	(\$1,838,847)	(\$3,788,028)	(\$3,901,666)
Fringe Benefits	(\$1,103,308)	(\$2,272,815)	(\$2,341,000)
Equipment and Expense	(\$512,219)	(\$1,024,437)	(\$1,024,437)
<u>Total Costs</u> - AGR	<u>(\$3,454,374)</u>	<u>(\$7,085,280)</u>	<u>(\$7,267,103)</u>
<b>ESTIMATED NET EFFECT TO THE AGRICULTURE PROTECTION FUND</b>	<b><u>\$2,440,848</u></b>	<b><u>(\$11,013)</u></b>	<b><u>(\$192,836)</u></b>
Estimated Net FTE change for the Agriculture Protection Fund	93 FTE	93 FTE	93 FTE

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2011 (10 Mo.)	FY 2012	FY 2013
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**ANIMAL HEALTH FUND**

<u>Revenue</u> - Department of Agriculture License Fees (Sections 270.260 - 270.400 - release of swine into the wild)	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
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<b>ESTIMATED NET EFFECT ON ANIMAL HEALTH FUND</b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>
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**ANIMAL CARE RESERVE FUND**

<u>Transfer In</u> - Department of Agriculture Animal Care Fees (Section 273.327 - 273.329)	<u>\$95,000</u>	<u>\$95,000</u>	<u>\$95,000</u>
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<b>ESTIMATED NET EFFECT ON ANIMAL CARE RESERVE FUND</b>	<b><u>\$95,000</u></b>	<b><u>\$95,000</u></b>	<b><u>\$95,000</u></b>
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**VARIOUS OTHER STATE FUNDS**

<u>Loss</u> - Section 274.180 - state sales tax exemption for cooperative marketing associations	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
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<b>ESTIMATED NET EFFECT TO VARIOUS OTHER STATE FUNDS</b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

#### FISCAL IMPACT - Small Business

Small agriculture businesses could be fiscally impact from this proposal.

#### FISCAL DESCRIPTION

This act modifies various provisions regarding animals and agriculture.

(SECTIONS 196.316, 261.200, 281.260, 311.550) - This act creates the Agriculture Protection Fund. All fees collected and assessed by the Department of Agriculture which are not already credited to a program-specific purpose shall be placed into the fund. Fees related to egg licenses, the sale of wine, and pesticide registration are specifically directed to be credited to the Agriculture Protection Fund.

The Agriculture Protection Fund shall only be used for Department of Agriculture functions and responsibilities. The act specifies that money in the Agriculture Protection Fund shall be used for administration of the program from which the fee was collected, except for fees related to the sale of wine. Any remaining balance in the fund shall not be subject to the biennial sweep.

Under current law, the fee for registering a pesticide in Missouri is \$15 per year and there is a late charge of \$5 assessed for any pesticide not registered by January 1st. This act increases the registration fee to \$150 per year and the late charge to \$50. If the funding from this fee or from the late charge fee exceeds the reasonable cost to administer the pest and pesticide programs, the Department of Agriculture is required to reduce fees for all registrants.

(SECTION 246.310) - Under current law, farmland is provided an exemption under the farmland protection act from being subject to water and sewer district assessments until the property is connected to the water or sewer system. The amendment specifies that this exemption does not apply to drainage and levee districts.

FISCAL DESCRIPTION (continued)

(SECTION 266.355) - Equipment which is in use for storage of anhydrous ammonia as of August 28, 2010 and which is found by the Department of Agriculture to be in substantial compliance with generally accepted safety standards will not be subject to state regulations covering the storing and handing of anhydrous ammonia. The Department of Agriculture is required to adopt the 1999 American National Standards Institute standard for storage and handling of anhydrous ammonia, but the department is not allowed to adopt this standard before December 1, 2012.

(SECTIONS 270.260, 270.270, 270.400) - This act makes it a crime to recklessly release swine upon any public land or private land not completely enclosed by a fence. A person will be guilty of a Class D felony if they commit a third offense of releasing swine within ten years of their first offense.

The act also makes possessing or transporting a live Russian or European wild boar or wild-caught swine on public land a Class A misdemeanor and also allows for the assessment of an administrative penalty of up to 1,000 dollars per violation.

The Department of Agriculture is required to make rules for fencing and health standards for Russian and European wild boar and wild-caught swine held on private land. Individuals who hold these types of wild boars or swine on private land are required to get annual permits from the department of agriculture. These types of wild boars and swine may only be transported from farm to farm, directly to slaughter, or to a slaughter-only market.

The Animal Health fund is created to consist of all the fees collected by the department based on these permits and administrative penalties.

(SECTIONS 273.327, 273.329) - Currently, animal shelters are exempt from paying a licensing fee to the Department of Agriculture. This act eliminates this exemption.

The Department of Agriculture is prohibited from hiring, contracting with, or otherwise using the services of the personnel of any non-profit organization for the purpose of inspecting or licensing shelters, pounds, kennels, breeders, and pet shops.

(SECTION 274.180) - This act specifies that cooperative associations pay ten dollars annually, in lieu of state sales taxes.

This provision of law has an emergency clause.

FISCAL DESCRIPTION (continued)

(SECTIONS 319.306 and 319.321) - This act exempts individuals who use explosive materials to unblock clogged screens of agricultural irrigation wells within the Southeast Missouri Regional Water District from having to obtain a blaster's license. The act also exempts any person using explosives in this manner from having to calculate the scaled distance to the nearest uncontrolled structure, from having to use a seismograph to record ground vibration and acoustic levels, from having to retain seismograph recordings and accompanying records for three years, and from having to register with the Division of Fire Safety and file an annual report.

(SECTIONS 393.1025 and 393.1030) - This act requires the Public Service Commission and the Department of Natural Resources to consider methane from agricultural operations and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources for the purposes of requirements that electric utilities generate or purchase a certain percent of their electricity from renewable energy resources.

(SECTIONS 578.600, 578.602, 578.604, 578.606, 578.608, 578.610, 578.612, 578.614, 578.616, 578.618, 578.620, 578.622, 578.624, Section 1) - This act creates the Large Carnivore Act. Except as permitted in the act, the act prohibits the owning, breeding, possession, transferring of ownership, or transporting of "large carnivores," defined as certain non-native cats of the Felidae family or any species of non-native bear held in captivity.

Persons possessing, breeding, or transporting large carnivores on or after January 1, 2012, must apply for a permit for each such large carnivore from the Department of Agriculture. The fee for the permit shall not exceed \$2,500 and the permit shall list certain information about the location, identification, and veterinary care of the large carnivore. The veterinarian identified in the permit must: insert an identification number in the animal via subcutaneous microchip, collect a DNA sample, provide a written summary of the animal's physical exam, and provide a signed health certificate as required for transport of the animal. The department may charge up to \$500 for annual renewal of the permit. Certain individuals are ineligible for a permit.

The act requires any person who owns, possesses, breeds or sells a large carnivore to adhere to all United States Department of Agriculture regulations and standards. The state department of agriculture must be informed in the event of the animal's death.

A person may kill a large carnivore without civil liability if the person believes the carnivore is attacking or killing another person, livestock, or a mammalian pet, if the pet is being attacked outside the large carnivore's enclosure.

FISCAL DESCRIPTION (continued)

Any person who owns or possesses a large carnivore is liable in a civil action for the death or injury of a human or another animal and for any property damage caused by the large carnivore. If a large carnivore escapes or is released intentionally or unintentionally, the owner is required to immediately notify law enforcement and is liable for all expenses associated with the efforts to recapture the large carnivore. As a condition of being permitted to own a large carnivore, the owner is required to show proof of having liability insurance in an amount of not less than \$250,000.

Individuals who intentionally release a large carnivore shall be guilty of a Class D felony. Other violations of this act shall be a Class A misdemeanor. The penalty for violating the act may also include community service, loss of privilege to own or possess an animal, and civil forfeiture of any large carnivore.

The requirements of the act are in addition to any applicable state or federal laws and do not preclude any political subdivision from adopting more restrictive laws. Certain entities, law enforcement officials, animal control officers, and veterinarians are exempt from the permit and ID chip requirements of the act. The act does not apply to circuses, the College of Veterinary Medicine at the University of Missouri-Columbia, or to certain zoological parks.

The act creates the Large Carnivore fund for the deposit of gifts, donations, bequests, or appropriations.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

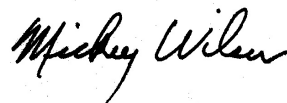


SOURCES OF INFORMATION

Department of Agriculture  
Department of Public Safety  
Department of Natural Resources  
Office of Administration  
Department of Corrections  
Department of Economic Development  
Office of the Attorney General  
Office of the State Courts Administrator  
Office of the Secretary of State  
Department of Conservation  
Department of Revenue  
Office of the State Treasurer  
University of Missouri

**NOT RESPONDING:**

**Office of the State Public Defender**  
**Office of Prosecution Services**

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
June 7, 2010